

1 SB151  
2 116125-6  
3 By Senator Dixon  
4 RFD: Governmental Affairs  
5 First Read: 12-JAN-10

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8 SYNOPSIS: This bill would allow members of the  
9 Controlled Substances Prescription Database  
10 Advisory Committee to meet by electronic means and  
11 designate proxy attendees for such meetings; to  
12 authorize out-of-state prescription monitoring  
13 programs to access Alabama's Prescription Drug  
14 Monitoring database; and to allow the State Board  
15 of Health to use all funds collected pursuant to  
16 the controlled substance registration certificate  
17 to be used to operate the database.

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19 A BILL  
20 TO BE ENTITLED  
21 AN ACT

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23 To amend Section 20-2-212 and Sections 20-2-214 and  
24 20-2-217, as last amended by Act 2009-489 of the 2009 Regular  
25 Session (Acts 2009, p. 891), Code of Alabama 1975, relating to  
26 controlled substances regulation, the Controlled Substances  
27 Prescription Database Advisory Committee and the controlled

1 substance registration certificate; to authorize proxy  
2 designees to be appointed by committee members; to authorize  
3 out-of-state prescription drug monitoring programs to access  
4 Alabama's Prescription Drug Monitoring database under rules  
5 prescribed by the State Board of Health; and to permit the  
6 State Board of Health to utilize all funds collected from fees  
7 pursuant to Section 20-2-217 to be used for the administration  
8 of the controlled substances prescription database.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 20-2-212 and Sections 20-2-214  
11 and 20-2-217, as last amended by Act 2009-489 of the 2009  
12 Regular Session (Acts 2009, p. 891), Code of Alabama 1975, are  
13 amended to read as follows:

14 "§20-2-212.

15 "The department is hereby authorized to establish,  
16 create, and maintain a controlled substances prescription  
17 database program. In order to carry out its responsibilities  
18 under this article, the department is hereby granted the  
19 following powers and authority:

20 "(1) To adopt regulations, in accordance with the  
21 Alabama Administrative Procedure Act, governing the  
22 establishment and operation of a controlled substances  
23 prescription database program.

24 "(2) To receive and to expend for the purposes  
25 stated in this article funds in the form of grants, donations,  
26 federal matching funds, interagency transfers, and  
27 appropriated funds designated for the development,

1 implementation, operation, and maintenance of the controlled  
2 substances prescription database. The funds received pursuant  
3 to this subdivision shall be deposited in a new fund that is  
4 hereby established as a separate special revolving trust fund  
5 in the State Treasury to be known as the Alabama State  
6 Controlled Substance Database Trust Fund. No monies shall be  
7 withdrawn or expended from the fund for any purpose unless the  
8 monies have been appropriated by the Legislature and allocated  
9 pursuant to this article. Any monies appropriated shall be  
10 budgeted and allocated pursuant to the Budget Management Act  
11 in accordance with Article 4 (commencing with Section 41-4-80)  
12 of Chapter 4 of Title 41, and only in the amounts provided by  
13 the Legislature in the general appropriations act or other  
14 appropriations act.

15 "(3) To enter into one or more contracts with the  
16 State Board of Pharmacy for the performance of designated  
17 operational functions for the controlled substances  
18 prescription database, including, but not limited to, the  
19 receipt, collection, input, and transmission of controlled  
20 substances prescription data and such other operational  
21 functions as the department may elect.

22 "(4) To create a controlled substances prescription  
23 database advisory committee. The mission of the advisory  
24 committee is to consult with and advise the State Health  
25 Officer on matters related to the establishment, maintenance,  
26 and operation of the database, access to the database  
27 information, how access is to be regulated, and security of

1 information contained in the database. The committee shall  
2 consist of one representative designated by each of the  
3 following organizations:

4 "a. The Medical Association of the State of Alabama.

5 "b. The Alabama Dental Association.

6 "c. The Alabama Pharmacy Association.

7 "d. The Alabama Veterinary Medicine Association.

8 "e. The State Health Officer, or his or her  
9 designee.

10 "f. The Alabama Hospital Association.

11 "g. The Executive Director of the Alabama State  
12 Board of Pharmacy.

13 "h. The Executive Director of the Board of Medical  
14 Examiners.

15 "i. The Alabama Optometric Association.

16 "j. One representative from each of the certifying  
17 boards established under the Alabama Uniform Controlled  
18 Substances Act.

19 "k. The Alabama Independent Drug Store Association.

20 "l. The Alabama Podiatry Association.

21 "(5) If a member of the Controlled Substances  
22 Prescription Database Advisory Committee is unable to attend a  
23 meeting, the organization which appointed that member may  
24 designate one of its employees or agents as a proxy. A proxy  
25 may participate in all deliberations of the committee and vote  
26 on all questions considered by the advisory committee.  
27 Designations of a proxy must be in writing, must specify by

1 name the individual who will serve as proxy, and must specify  
2 the date of the meeting at which the proxy is authorized to  
3 serve. There must be a separate written proxy designation for  
4 each meeting at which a proxy will serve.

5 "(6) The membership of the committee shall be  
6 inclusive and reflect the racial, gender, geographic,  
7 urban/rural and economic diversity of the state. The committee  
8 shall annually report to the Legislature by the second  
9 legislative day of each regular session the extent to which  
10 the committee has complied with the diversity provisions  
11 provided for in this act."

12 "§20-2-214.

13 "The following persons or entities shall be  
14 permitted access to the information in the controlled  
15 substances database, subject to the limitations indicated  
16 below:

17 "(1) Authorized representatives of the certifying  
18 boards, provided, however, that access shall be limited to  
19 inquiries concerning the licensees of the certifying board.

20 "(2) A licensed practitioner approved by the  
21 department who has authority to prescribe, dispense, or  
22 administer controlled substances, provided, however, that such  
23 access shall be limited to information concerning an assistant  
24 to physician with a Qualified Alabama Controlled Substances  
25 Registration Certificate over whom the practitioner exercises  
26 physician supervision and a current or prospective patient of  
27 the practitioner. Practitioners shall have no requirement or

1 obligation to access or check the information in the  
2 controlled substances database prior to prescribing,  
3 dispensing, or administering medications or as part of their  
4 professional practice.

5 "(3) A licensed assistant to physician approved by  
6 the department who is authorized to prescribe, administer, or  
7 dispense pursuant to a Qualified Alabama Controlled Substances  
8 Registration Certificate; provided, however, that such access  
9 shall be limited to information concerning a current or  
10 prospective patient of the assistant to physician.

11 "(4) A licensed pharmacist approved by the  
12 department, provided, however, that such access is limited to  
13 information related to the patient or prescribing practitioner  
14 designated on a controlled substance prescription that a  
15 pharmacist has been asked to fill. Pharmacists shall have no  
16 requirement or obligation to access or check the information  
17 in the controlled substances database prior to dispensing or  
18 administering medications or as part of their professional  
19 practices.

20 "(5) State and local law enforcement authorities as  
21 authorized under Section 20-2-91, and federal law enforcement  
22 authorities authorized to access prescription information upon  
23 application to the department accompanied by an affidavit  
24 stating probable cause for the use of the requested  
25 information.

26 "(6) Employees of the department and consultants  
27 engaged by the department for operational and review purposes.

1           "(7) The prescription drug monitoring program of any  
2 of the other states or territories of the United States, if  
3 recognized by the Alliance for Prescription Drug Monitoring  
4 Programs under procedures developed by the United States  
5 Department of Justice or the Integrated Justice Information  
6 Systems Institute or successor entity subject to or consistent  
7 with limitations for access prescribed by this chapter for the  
8 Alabama Prescription Drug Monitoring Program."

9           "§20-2-217.

10           "There is hereby assessed a surcharge in the amount  
11 of ten dollars (\$10) per year on the controlled substance  
12 registration certificate of each licensed medical, dental,  
13 podiatric, optometric, and veterinary medicine practitioner  
14 authorized to prescribe or dispense controlled substances and  
15 on the Qualified Alabama Controlled Substances Registration  
16 Certificate of each licensed assistant to physician. This  
17 surcharge shall be effective for every practitioner  
18 certificate and every Qualified Alabama Controlled Substances  
19 Registration Certificate issued or renewed on or after August  
20 1, 2004, shall be in addition to any other fees collected by  
21 the certifying boards, and shall be collected by each of the  
22 certifying boards and remitted to the department at such times  
23 and in such manner as designated in the regulations of the  
24 department. The proceeds of the surcharge assessed herein  
25 shall be used exclusively for the development, implementation,  
26 operation, and maintenance of the controlled substances  
27 prescription database.



1                   Section 2. This act shall become effective on the  
2           first day of the third month following its passage and  
3           approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB151  
Senate 11-FEB-10  
I hereby certify that the within Act originated in and passed  
the Senate, as amended.

McDowell Lee  
Secretary

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House of Representatives  
Passed: 14-APR-10

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By: Senator Dixon